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EXAMINER terret PAPER NUMBER 11

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	DATE MAILED:	
EXAMINER INTERVIEW SU	MMARY RECORD	
All participants (applicant, applicant's representative, PTO personnel):		
(1) Robert Pous (AH) (3)		
(2) Jaffrey Sterret (Ex) (4)		
Date of interview 11 12 03	•	
Type:   Telephonic Personal (copy is given to applicant Applicant Personal (copy is given to applicant Personal (copy is g	nt's representative).	
Exhibit shown or demonstration conducted:   Yes  No. If yes, brief descr	iption:	
Agreement was reached with respect to some or all of the claims in question.	☐ was not reached.	
Claims discussed: Essentially Claims 1,4, F	and 7	
Identification of prior art discussed: Chappen et.		
Description of the general nature of what was agreed to if an agreement was reached	L	
Claims 1-394-10 Are Restricted To 1	Different Invention C	oncepts.
Agreed To Combine Claims 192 L	With Favorable Cons	detation
of Allowance Very Likely.		·
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(A fuller description, if necessary, and a copy of the amendments, if available, w attached. Also, where no copy of the amendments which would render the claims at	hich the examiner agreed would render the clair lowable is available, a summary thereof must be a	ns allowable must be attached.)
Unless the paragraphs below have been checked to indicate to the contrary, A FO NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW last Office action has already been filed, then applicant is given one month from this	(e.g., items 1 – 7 on the reverse side of this form	). If a response to the
It is not necessary for applicant to provide a separate record of the substance	of the interview.	
Since the examiner's interview summary above (including any attachments) requirements that may be present in the last Office action, and since the claresponse requirements of the last Office action.	reflects a complete response to each of the objetims are now allowable, this completed form is co	ctions, rejections and nsidered to fulfill the
PTOL-413 (REV. 1-84)	Examiner's dignature	

IN THE CLAIMS

Claim 1 (Previously Presented): A hybrid construction machine comprising:

a work tool;

an engine;

a main battery;

an auxiliary battery;

a power generator to be driven by the engine;

at least two electric motors, at least one of said electric motors being adapted to operate said work tool, the electric motors being driven by power of at least one of the power generator, the auxiliary battery and the main battery, wherein the auxiliary battery and the main battery are to be charged with the power of the power generator; and

a switch for switching drive of the electric motors between normal power of at least one of the power generator and the main battery in a normal operation state, and auxiliary power of the auxiliary battery in an emergency operation state wherein the electric motors can not be driven by the normal power.

Claim 2 (Currently Amended): The hybrid construction machine according to claim 1, further comprising an actuator-selecting switch for selecting at least one fewer than all of the electric motors to be driven by means of the auxiliary power in the emergency operation state.

Claim 3 (Original): The hybrid construction machine according to claim 1 or 2, wherein the hybrid construction machine is a hybrid excavator.

Claim 4 (Previously Presented): A control apparatus of a hybrid construction machine for executing works by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power discharged from at least the main battery, comprising:

a generator output control body for varying power output from the power generator in accordance with content of work performed by the hybrid construction machine.

Claim 5 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a manipulating lever to be manipulated by an operator; and

a work determination body for determining the content of the work on the basis of a manipulating signal from the manipulating lever and outputting the content of the work to the generator output control body.

Claim 6 (previously Presented): The control apparatus of a hybrid construction machine according to claim 4, further comprising:

a work mode switch with which the content of work can be selected by an operator; and

a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the generator output control body.

Claim 7 (Previously Presented): A control apparatus of a hybrid construction machine for executing work by charging a main battery with power of a power generator to be driven by an engine and driving electric motors by means of power of at least one of the power generator and the main battery, comprising:

a work speed regulation body for regulating work speed in accordance with content of the work when power of the power generator is a predetermined value or less.

Claim 8 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 7, further comprising

a manipulating lever to be manipulated by an operator; and

a work determination body for determining the content of work on the basis of manipulating signal from the manipulating lever and outputting the content of the work to the work speed regulation body.

Claim 9 (Previously Presented): The control apparatus of a hybrid construction machine according to claim 7, further comprising:

a work mode switch with which the content of work can be selected by an operator, and

a switch detection body for detecting the content of the work selected with the work mode switch and outputting the content of the work to the work speed regulation body.

Claim 10 (Original): The control apparatus of a hybrid construction machine according to any of claims 4 to 9, wherein the hybrid construction machine is a hybrid excavator.